

**REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-15 are pending. Claims 1-15 are amended. Claims 1-3 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Allowable Subject Matter**

The Examiner states that claims 1-15 would be allowable if rewritten to overcome the rejections under 35 U.S. C. §112, second paragraph.

The Applicants appreciate the Examiner's early indication of allowable subject matter. As indicated below, each of independent claims 1-3 is amended to overcome the rejections under 35 U.S. C. §112, second paragraph.

Therefore, independent claim 1 and 11 are in condition for allowance.

**Claim for Priority**

The Examiner has not acknowledged the Applicants' claim for foreign priority. Clarification is requested in the next official communication.

**Acknowledgement of Information Disclosure Statement**

It is gratefully acknowledged that the Examiner has acknowledged the Information Disclosure Statement filed on February 17, 2004.

**Amendments to the Title, the Specification, and the Abstract**

The Title, the Specification and the Abstract of the Disclosure are amended merely to place them in better form. A Substitute Specification is attached. No new matter is entered.

**Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 1-15 stand rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed.

The Examiner states that the original specification does not describe the claimed subject matter in such a way as to reasonably convey that the inventors had possession of the claimed invention.

In order to overcome this rejection, Applicants have amended independent claims 1-3 to positively claim the elements of the invention. For example, independent claim 1, as amended, recites a combination of elements directed to a structure for mounting a rear fork in a vehicle, including

a body frame having left and right pivot supporting holes;

left and right arm portions of a rear fork having supporting holes, which are coaxial with the right and the left pivot supporting holes of the body frame;

a pivot shaft penetrating the pivot supporting holes of said body frame and the supporting holes of the left and right arm portions of the rear fork, said rear fork being rotatively supported on the pivot shaft and being rotatable with respect to said body frame; and

a cutout being provided on end surface portions of the pivot supporting holes of said body frame for allowing said pivot shaft to deflect.

Independent claims 2 and 3 are amended in a similar manner. In addition, Applicants have amended the specification in order to provide proper antecedent basis in the specification for the claimed subject matter.

Applicants respectfully submit that the claims, as amended, are fully supported by and adequately described in the written description of the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejection Under 35 U.S.C. § 112, second paragraph**

Claims 1-15 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. This rejection is respectfully traversed.

In order to overcome this rejection, Applicants have amended claims 1-3 to correct each of the deficiencies specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §112, second paragraph are respectfully requested.

**CONCLUSION**

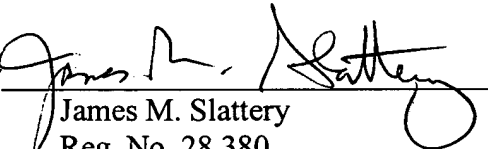
Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,  
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
James M. Slattery  
Reg. No. 28,380

  
JMS:CTT:adt

P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000